

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GLORIA RENEE BROWN,

Plaintiff,

Case No. 2:15-cv-12494

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**  
(document no. 18), **DENYING DEFENDANT'S MOTION FOR SUMMARY**  
**JUDGMENT** (document no. 16), **AND GRANTING IN PART AND DENYING**  
**IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT** (document no. 13)

The case comes to the Court for a second time. Renee Brown ("Brown") filed an application for Supplemental Social Security Income ("SSI") in July 2007. When the application was denied, Brown sought review from an Administrative Law Judge ("ALJ"), who determined that Brown is not disabled and issued a written decision on December 23, 2009. After the Appeals Council denied review, Brown filed for judicial review of the final decision. The Court referred the case to a magistrate judge, who issued a Report and Recommendation urging remand of the case to the ALJ on the grounds that the ALJ had failed to consider the disability function report of Brown's treating physician. The Court adopted that recommendation and remanded the matter on March 8, 2012.

In December of 2010, while Brown's initial determination was still pending, she filed another application for SSI. The application was also denied and Brown again sought and received review by the Appeals Council. The Council vacated both ALJ decisions, consolidated the cases and remanded the matter to ALJ Mary S. Connolly. After a hearing, the ALJ again determined that Brown was not disabled and this time the Appeals Council

denied review. Brown then brought the present action seeking judicial review of the final decision.

The matter was referred to Magistrate Judge David R. Grand and the parties filed cross motions for summary judgment. The magistrate judge issued a Report and Recommendation ("Report") suggesting denial of the Commissioner's motion for summary judgment and grant, in part, of Brown's motion for summary judgment. After reviewing the record, the Court will adopt the Report.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2).

Because neither Brown nor the Commissioner filed objections, de novo review of the Report is not required. Having reviewed the Report's analysis, in light of the record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings, deny the Commissioner's motion for summary judgment, grant in part and deny in part Brown's motion for summary judgment, and remand the case for further proceedings consistent with the Report.

### **ORDER**

**WHEREFORE**, it is hereby **ORDERED** that the magistrate judge's Report and Recommendation (document no. 18) is **ADOPTED**.

**IT IS FURTHER ORDERED** that the Commissioner's Motion for Summary Judgment (document no. 16) is **DENIED**.

**IT IS FURTHER ORDERED** that Brown's Motion for Summary Judgment (document no. 13) is **GRANTED IN PART** and **DENIED IN PART**.

**IT IS FURTHER ORDERED** that the case is **REMANDED** for further proceedings consistent with the Report.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: August 10, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 10, 2016, by electronic and/or ordinary mail.

s/Carol Cohron  
Case Manager